

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** December 1, 2015  
**RE:** 16-0581SP; 85 North Avenue

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: NMU                      Ward: 3C

Owner/Applicant: Catamount/Lakeview, LLC

**Request:** Sketch plan review of proposed four story, 56-unit residential building with associated parking garage.

### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

### **Background Information:**

The applicant is requesting sketch plan review of a 56-unit residential structure with an associated underground garage and site improvements. The parcel presently consists of a parking lot at the bottom of Lakeview Terrace and a vegetated bluff with steep slopes to the south and west. As proposed, the building would be set into the hillside with parking underneath and residences above. The existing surface parking lot would be partially reconfigured as well.

The Design Advisory Board will review this sketch plan November 24, 2015. Comments from that review will be forwarded to the Development Review Board.

## **I. Findings**

### **Article 3: Applications and Reviews**

#### ***Part 5, Conditional Use & Major Impact Review:***

#### **Section 3.5.6 (a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015.)

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued.

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is part of the Neighborhood Mixed Use (NMU) zone that extends eastward up much of North Street and along North Winooski Avenue. This zone is intended primarily to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns of the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed development is exclusively residential but sits within close proximity to commercial uses within the NMU zone. Residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed residential structure fits within the scale and mixed use context of the NMU zone.

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed construction is wholly residential. It is not expected to generate exceptional noise, odor, dust, heat, or vibrations.

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic information is included in the sketch plans. Given the 56-unit size of the project, a traffic analysis will be required with the permit application. The analysis must address average daily trip ends, AM and PM peak hours, and nearby intersection impacts (especially North Ave/North St/Depot St).

*and,*

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is evident in the sketch plans. Given the site's significant southern exposure, consideration should be given to solar energy.

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector.

## **(b) Major Impact Review Standards**

*1. Not result in undue water, air, or noise pollution;*

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3.

*2. Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

*3. Not unreasonably burden the city's present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

*4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

No erosion control plans are included in the sketch plans. The permit application must include a comprehensive erosion prevention and sediment control plan, subject to the standards of Chapter 26.

*5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 3 for traffic impacts. The project is not expected to cause exceptional congestion or unsafe conditions on nearby sidewalks, streets, bikeways or other means of transportation.

Given the project's location, multiple forms of transportation will be readily available: pedestrian, bike, personal vehicle, and city bus. No one mode of transportation is expected to generate unreasonable impacts to existing infrastructure.

*6. Not cause an unreasonable burden on the city's ability to provide educational services;*

This new residential building may contain families with school age children; however, the sketch plans contain no information relative to anticipated numbers of school age children. The permit application must contain such an estimate and reference to the information on which the estimate is based.

*7. Not place an unreasonable burden on the city's ability to provide municipal services;*

The sketch plan materials contain no articulation of anticipated impacts on city services. Review by the Technical Review Committee will take place December 10, 2015. Subsequent meetings with pertinent city departments are anticipated. The permit application must address questions and concerns raised during the technical review process.

*8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Sec. 6.2.2 (a) & 6.3.2 (b).

*9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed development will transform an underutilized site with just a surface parking lot into a significant residential structure with improved surface parking and circulation. The project will take place within a zoning district that enables development at a higher density than nearby residential zones. It will have no adverse impact on the city's present or future growth patterns.

*10. Be in substantial conformance with the city's municipal development plan;*

The sketch plans lack much in the way of detail. Conceptually, the project appears to be consistent with a number of provisions within the MDP.

The proposed development is within an identified Neighborhood Activity Center, wherein new and higher density development is to be targeted (Land Use Policies, pg. I-2 & Neighborhood Activity Centers, pg. I-20).

The property is located at the western end of the North Street Commercial District. While not commercial in nature, the proposed development will provide 56 units of housing in close proximity to the diverse mix of uses within this district (North Street Commercial District, pg. I-21). The property is also contained within the Old North End Enterprise Community, an area of the city where redevelopment is actively promoted (Old North End Enterprise Community, pg. I-27).

The subject property is located in immediate proximity to a variety of transportation options, including the city's street network, sidewalks, bikeways, and bus routes (Stressing Other Modes of Travel, pg. V-12).

The new housing in this proposal will add to the city's housing stock and will do so in an area targeted for higher density development (City Policies, pg. IX-1).

*11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

This project will bring about 56 units of new housing of varying unit size within an area targeted for redevelopment. It will have no adverse impact on the present or projected housing needs of the city.

*12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Residents of the project will likely utilize the city's parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development.

## **Article 4: Maps & Districts**

### ***Sec. 4.4.2, Neighborhood Mixed Use Districts:***

#### ***(a) Purpose***

##### ***(2) Neighborhood Mixed Use (NMU)***

The Neighborhood Mixed Use District is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. As noted previously, residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed residential structure fits within the scale and mixed use context of the NMU zone.

#### ***(b) Dimensional Standards & Density***

FAR in the NMU zone is limited to 2.0. An addition 0.5 FAR is allowable in exchange for inclusionary housing (Table 9.1.13-1, *Density/Intensity Allowance Table*). No FAR numbers are evident in the sketch plans and must be included in the permit application.

Maximum standard lot coverage is 80% in the NMU zone. That maximum may be increased up to 92% for inclusionary housing per Table 9.1.13-2, *Lot Coverage Allowance Table*. No lot coverage numbers are provided in the sketch plans and must be included in the permit application.

The subject property has two road frontages. It, therefore, contains two front yards and two side yards. There is no rear yard for the purposes of setback requirements. Setbacks are noted on the sketch plans.

A 15' setback is required along NMU property lines that abut a residential district (i.e. Lakeview Terrace). The proposed building observes this setback.

Within the NMU zone, the standard building height limit is 35', and the minimum is 20'. Buildings shall be at least 2 stories. With the required inclusionary housing, the maximum height may increase an additional 10' (Table 9.1.13-1, *Density/Intensity Allowance Table*). The sketch plans contain some height information, but the overall height is not specified. Due to the sloping grades, height of the east-facing street front is considerably less than that facing west (downslope). Height may be measured from the street front only but is predicated on the extended sidewalk being public (see Sec. 5.2.6 {a} 1).

***(c) Permitted & Conditional Uses***

Multifamily residential development is a permitted use in the NMU zone.

***(d) District Specific Regulations***

The proposed development must include inclusionary housing units and is, therefore, allowed additional intensity per Sec. 9.1.13, *Additional Density and other Development Allowances*). The allowances for increased lot coverage, building height, and FAR specifically allowed for the NMU zone (and other zones) within this section are not specified within Table 4.4.2-2, *Maximum FAR and Building Heights with Bonuses*. This omission is seemingly an oversight but should be addressed by the applicant and Development Review Board as part of this sketch plan review, prior to submission of a permit application.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.1 (b).

***Sec. 5.2.4, Buildable Area Calculation***

See Sec. 4.4.1 (b).

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.1 (b).

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.1 (b).

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.1 (b).

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion.

***Sec. 5.5.2, Outdoor Lighting***

Little outdoor lighting information is included in the sketch plans. The permit application must include a photometric plan of the site delineating separate lighting environments (parking & circulation, walkways, and building entries) and fixture cutsheets.

***Sec. 5.5.3, Stormwater and Erosion Control***

The sketch plans do not address stormwater management. Redevelopment of this site will require implementation of stormwater measures sufficient to address the city's present stormwater standards.

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

Not applicable.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

***(a) Protection of important natural features***

The site contains no significant natural areas as identified in the Open Space Protection Plan.

The slope is vegetated with a variety of vegetation, including trees, shrubs, and ground cover. The extent of clearing is not clearly depicted and will need to be upon permit application.

***(b) Topographical alterations***

The existing surface parking lot is flat. The slope precipitously drops away to the south and west beyond the edges of the existing asphalt. The proposed construction will be built into the slope and will require excavation and grading work. A detailed topographic plan will be required as part of the permit application.

***(c) Protection of important public views***

There are significant views from the project site across the lake and towards the Adirondacks.

These views, however, are not part of any defined view corridor (such as those along Main, College, Pearl, and Cherry Streets) and are not protected under this criterion.

***(d) Protection of important cultural resources***

The project site consists of a surface parking lot and steep slopes. The site has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area.

***(e) Supporting the use of alternative energy***

See Sec. 6.3.2 (f).

***(f) Brownfield sites***

The site is included on the Vermont DEC Hazardous Site List. Contaminants related to fill and dumping include asbestos, coal tar, lead, and PAH. A corrective action plan with VT DEC will likely be required prior to construction and must be addressed as part of the permit application.

*(g) Provide for nature's events*

Stormwater management is not addressed in the sketch plans. The applicants are advised to work with the Burlington Stormwater Program to work out proposed stormwater improvements prior to permit application.

*(h) Building location and orientation*

The proposed building will take advantage of the expansive southerly and westerly views and will be set into the top of the bluff, set back from North Avenue. The Depot Street right-of-way effectively precludes setting the building up along North Avenue. As proposed, the building will continue the street edge set by existing homes along Lakeview Terrace. The east-facing front entry reinforces the continuation of that established street edge. The front entry is centrally located and clearly identifiable from the public street.

*(i) Vehicular access*

Vehicles may access the site from Lakeview Terrace or from North Avenue. Two-way circulation is depicted within the revamped surface parking lot. The underground garage entrance is located close to Lakeview Terrace and will provide two-way circulation in and out of the garage.

*(j) Pedestrian access*

The project includes an apparent continuation of the sidewalk from Lakeview Terrace across the front of the proposed building. A bike lane runs along the edge of the parking lot and out to the top of Depot Street. A central front walkway and ramp will connect the primary entrance to this new sidewalk. The sidewalk and bike lane as proposed define the perimeter of the surface parking area and afford pedestrians a route separate from vehicular circulation.

*(k) Accessibility for the handicapped*

ADA details are not noted in the sketch plans. It is the applicant's responsibility to comply with all applicable ADA requirements.

*(l) Parking and circulation*

This criterion calls for placement of new buildings in front, or to the side, of parking areas. The idea is to avoid parking in front of structures. In this case, the parking lot is already in place. As noted previously, the Depot Street right-of-way effectively precludes construction of a building along North Avenue (with parking behind). As proposed, the building will be set towards the western end of the property and will continue the street edge established along Lakeview Terrace.

The existing parking area will apparently be reconstructed or at least revamped with new striping and a central landscaping island. No parking lot shading analysis is included in the sketch plans. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Minimum caliper size at the time of planting is 2.5" – 3.5" and a mature canopy diameter of 35' is expected. Such details will be required with the permit application.

*(m) Landscaping and fences*

Some general landscaping information has been provided in the sketch plans. It appears that new trees will be planted to the west and downslope of the proposed building. New trees are also apparent in the proposed parking lot landscaping island and around a trash enclosure. A detailed landscaping plan will be required as part of the permit application.

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new outdoor mechanical equipment is apparent in the sketch plans. A trash enclosure is set to the side of the proposed building at the eastern end of the site. Enclosure details will be needed with the permit application. Any new utility lines must be buried.

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*

The proposed building is large, seemingly the largest at this end of Lakeview Terrace. The sketch plans are basic but depict a structure that incorporates distinct building elements defined by varying materials, planes, and sections. The “L” shape of the building further offsets the perceived mass of the structure. Specific height information is not included in the sketch plans. Set into the hillside as it is, perceived height from the west is considerably taller than that as perceived from street grade to the east. From street grade, building height appears to be reasonably close to that of other nearby structures along North Avenue and Lakeview Terrace.

*2. Roofs and Rooflines*

The proposed building will include angular shed roofs and flat roof components. Flat and pitched roofs are common in the neighborhood.

*3. Building Openings*

Only fenestration on the eastern elevations is shown in the sketch plans. That depicted consists of boxy windows in a pattern consistent with the boxy geometry of the proposed building.

*(b) Protection of important architectural resources*

There are no structures onsite. Other structures nearby are historically significant. The proposed building is offset from these existing buildings and will have no direct impacts on their historic significance.

*(c) Protection of important public views*

See 6.2.2 (c) above.

*(d) Provide an active and inviting street edge*

Lakeview Terrace ends at the northern end of the site. Depot Street and North Avenue lie to the east. The proposed development aims to continue the street edge from Lakeview Terrace out towards North Avenue. In doing so, it continues the Lakeview Terrace sidewalk across the front



of the building. The central building entry is well defined and connects directly to this sidewalk and adjacent bikeway and vehicular circulation. There are no blank stretches of building wall facing the street. Ample glazing, projections and recesses, and a projecting front entry are employed to provide an active and inviting street presence.

*(e) Quality of materials*

The sketch plans note no building materials. The permit application must specify all exterior building materials.

*(f) Reduce energy utilization*

Energy information is not included in the sketch plans. The new building must comply with the current energy efficiency requirements of the city and state.

*(g) Make advertising features complimentary to the site*

No signs are depicted in the sketch plans.

*(h) Integrate infrastructure into the building design*

No rooftop or other exterior mechanical equipment is depicted in the sketch plans. The floor plans note a “mechanical storage” room. Perhaps all mechanical equipment will be interior. If any outdoor mechanical equipment is proposed, it must be depicted and screened as part of the permit application.

*(i) Make spaces safe and secure*

The proposed building appears to be accessible by emergency service vehicles. The project will undergo technical review by Police, Fire, Building, etc. on December 10, 2015. Building entries will presumably be illuminated. An intercom system connecting individual dwelling units with the front entry is recommended.

## **Article 8: Parking**

### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the Shared Use parking district. As such, it requires 1 parking space per dwelling unit. As proposed, 79 parking spaces are proposed for the 56 dwelling units. Sufficient parking will be provided.

### ***Sec. 8.1.10, Off-Street Loading Requirements***

Not applicable.

### ***Sec. 8.1.11, Parking Dimensional Requirements***

The floor plans depict the garage parking and circulation areas. The plans, however, are reduced-size. They are not true to scale. An assessment of dimensional adequacy cannot be made. Full size project plans will be required with the permit application.

### ***Sec. 8.1.12, Limitations, Location, Use of Facilities***

#### ***(a) Off-Site Parking Facilities***

None proposed.

#### ***(b) Downtown Street Level Setback***

Not applicable.

*(c) Front Yard Parking Restricted*  
Not applicable.

*(d) Shared Parking in Neighborhood Parking Districts*  
Not applicable.

*(e) Single Story Structures in Shared Use Districts*  
Not applicable.

*(f) Joint Use of Facilities*  
The proposed garage parking will presumably be for the exclusive use of residents. Use of the revamped surface parking lot is not addressed in the sketch plans. Most of all of the existing surface parking serves offsite uses. Whether and how those offsite uses will continue to use the surface parking must be addressed as part of the permit application.

*(g) Availability of Facilities*  
The parking to be constructed as part of this development must be for the exclusive use of employees and visitors or shared per item (f) above. It may not be used for the storage or display of vehicles or materials.

*(h) Compact Car Parking*  
It is unclear within the sketch plans whether compact parking spaces are included or not. Compact spaces, if any, must be noted in the permit application.

***Sec. 8.1.13, Parking for Disabled Persons***

A number of handicap parking spaces are depicted within the garage and on the surface parking lot. Dimensional adequacy cannot yet be assessed. These spaces shall be marked and signed as required for handicap spaces.

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***  
Not applicable.

***Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans***  
Not applicable.

***Sec. 8.2.5, Bicycle Parking Requirements***

Both short term and long term bicycle parking will be required. The sketch plans contain nothing in the way of bike parking details. The 56 dwelling units will require at least 14 long term bike parking spaces and 6 short term bike parking spaces. Bike parking details will be required as part of the permit application.

**II. Conditions of Approval**  
None for sketch plan review.